



General Assembly

January Session, 2003

Raised Bill No. 959

LCO No. 3430

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

***AN ACT CONCERNING SCARRING AND OTHER DISCRETIONARY
BENEFITS UNDER THE WORKERS' COMPENSATION ACT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 31-308 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2003*):

4 (c) In addition to compensation for total or partial incapacity or for a
5 specific loss of a member or use of the function of a member of the
6 body, the [commissioner] chairman, in the chairman's sole discretion,
7 not earlier than one year from the date of the injury and not later than
8 two years from the date of the injury or the surgery date of the injury,
9 may award compensation equal to seventy-five per cent of the average
10 weekly earnings of the injured employee, calculated pursuant to
11 section 31-310, after such earnings have been reduced by any
12 deduction for federal or state taxes, or both, and for the federal
13 Insurance Contributions Act made from such employee's total wages
14 received during the period of calculation of the employee's average
15 weekly wage pursuant to said section 31-310, but not more than one
16 hundred per cent, raised to the next even dollar, of the average weekly

17 earnings of production and related workers in manufacturing in the
 18 state, as determined in accordance with the provisions of section 31-
 19 309, for up to two hundred eight weeks, for any permanent significant
 20 disfigurement of, or permanent significant scar on [, (A) the face, head
 21 or neck, or (B) on any other area of the body which handicaps the
 22 employee in obtaining or continuing to work] any area of the body.
 23 The [commissioner] chairman may not award compensation under this
 24 subsection when the disfigurement was caused solely by the loss of or
 25 the loss of use of a member of the body for which compensation is
 26 provided under subsection (b) of this section or for any scar resulting
 27 from an inguinal hernia operation or any spinal surgery. In making
 28 any award under this subsection, the [commissioner] chairman shall
 29 consider (1) the location of the scar or disfigurement, (2) the size of the
 30 scar or disfigurement, (3) the visibility of the scar or disfigurement due
 31 to hyperpigmentation or depigmentation, whether hypertrophic or
 32 keloidal, (4) whether the scar or disfigurement causes a tonal or
 33 textural skin change, causes loss of symmetry of the affected area or
 34 results in noticeable bumps or depressions in the affected area, and (5)
 35 other relevant factors. [Notwithstanding the provisions of this
 36 subsection, no compensation shall be awarded for any scar or
 37 disfigurement which is not located on (A) the face, head or neck, or (B)
 38 any other area of the body which handicaps the employee in obtaining
 39 or continuing to work.] In addition to the requirements contained in
 40 section 31-297, the [commissioner] chairman shall provide written
 41 notice to the employer prior to any hearing held by the [commissioner]
 42 chairman to consider an award for any scar or disfigurement under
 43 this subsection. The chairman may review recommendations from a
 44 commissioner concerning an award for any scar or disfigurement
 45 under this subsection, but discretion for determining awards under
 46 this subsection shall be vested solely in the chairman.

47 Sec. 2. Section 31-308 of the general statutes is amended by adding
 48 subsection (e) as follows (*Effective October 1, 2003*):

49 (NEW) (e) In addition to compensation for total or partial

50 incapacity, or for a specific loss of a member or use of the function of a
 51 member of the body, or for significant disfigurement or permanent
 52 significant scarring, the chairman, in the chairman's sole discretion,
 53 may award compensation for the loss of a member or organ or the
 54 complete and permanent loss of use of a member or organ not
 55 otherwise referred to in subsection (b) of this section. The chairman
 56 shall determine the amount and duration of such compensation, taking
 57 into consideration (1) the disabling effect of the loss of or loss of
 58 function of the member or organ involved, and (2) the necessity of the
 59 member or organ or the complete functioning of the member or organ
 60 with respect to the entire body, but in no case shall the chairman
 61 award more than five hundred twenty weeks of compensation under
 62 the provisions of this subsection. The chairman may review
 63 recommendations from a commissioner concerning an award of
 64 compensation for the loss of a member or organ or the complete and
 65 permanent loss of use of a member or organ not otherwise referred to
 66 in subsection (b) of this section, but discretion for determining awards
 67 under this subsection shall be vested solely in the chairman.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>

Statement of Purpose:

To give the chairman of the Workers' Compensation Commission sole discretion in determining awards for (1) permanent significant scars or disfigurements on any area of the body, and (2) permanent partial disability benefits for body parts not included on the schedule of injuries listed in subsection (b) of section 31-308 of the general statutes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]